

July 26, 2005

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 03-103
Written Ex Parte Presentation

Dear Ms. Dortch:

Nextel Communications has joined AirCell, Inc., The Boeing Company, and CTIA – the Wireless Association in opposing Space Data Corporation's demand that the Commission reverse its decision to ban terrestrial operations from the only spectrum dedicated to air-to-ground (ATG) communications.¹ The Commission should affirm its original order and reject SpaceData's call to permit the introduction of new infrastructure that generates harmful interference to adjacent-band licensees.

Nextel has also opposed the use of balloon-based platforms in the ATG band.² The Commission should not allow SpaceData to construct a technology for ATG that can sustain itself only by offering services in the ATG band that are incompatible with the operations of adjacent-band licensees. SpaceData must compete in the market for ATG services, not on the hope that it can one day leverage its floating, balloon-based technology to provide terrestrial services in a

¹ *Opposition of Nextel Communications to Petition for Reconsideration*, WT Docket No. 03-103 (June 16, 2005) (Nextel Opposition); *AirCell, Inc. Opposition to Petition for Clarification and Reconsideration of Space Data Corporation*, WT Docket No. 03-103 (June 16, 2005) (AirCell Opposition); *Opposition of CTIA – The Wireless Association to Space Data Petition for Reconsideration*, WT Docket No. 03-103 (June 16, 2005) (CTIA Opposition); *Opposition of The Boeing Company to Petition for Reconsideration*, WT Docket No. 03-103 (June 16, 2005) (Boeing Opposition).

² Nextel Opposition at 6-7.

narrow, four-megahertz band that the Commission has already reserved for other uses.

In its reply, SpaceData claims that it has provided sufficient information to demonstrate compliance with the newly adopted ATG rules that, by their terms, apply exclusively to ground-based ATG systems.³ While Nextel disagrees with SpaceData's claim, Nextel has not sought reconsideration of the rules the Commission adopted. Therefore, if SpaceData can somehow comply with the existing ATG rules, then Nextel would not oppose the introduction of a collection of balloon-based platforms into the ATG band for the purpose of providing ATG service.

While SpaceData should remain free to try to meet the Commission's technical rules for offering ATG service, SpaceData should not be permitted to construct a balloon-based system whose only apparent economic justification comes from deploying terrestrial services that remain fundamentally incompatible with the operations of adjacent-band licensees, such as Nextel. Under section 1.1206(b)(1) of the Commission's rules, 47 C.F.R. § 1.1206(b)(1), please associate this letter with the above-referenced docket.

Sincerely,

/s/ Trey Hanbury

Trey Hanbury
Senior Counsel
Nextel Communications

CC: Ron Chase
B.C. "Jay" Jackson, Jr.
Ira Keltz
Julius Knapp
Roger Noel
Salomon Satche
Jim Schlichting
George Sharp
Peter Tenhula
Gregory Vadas
Michael Wilhelm

³ Reply of Space Data Corporation to Oppositions to Petition for Clarification and Reconsideration, WT Docket No. 03-103 at 2-4 (June 29, 2005).